

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA		
GAYLORD DUFF,	)	
	)	
Plaintiff,	)	8:05CV140
	)	
vs.	)	ORDER
	)	
VALERY GRANHOL,	)	
ROBERT HOUSTON,	)	
CHARLES WEST and	)	
GEORGE GREEN,	)	
	)	
Defendants.	)	

Counsel for the defendants states she does not intend to file documents on behalf of Mr. Green until either the May 12, 2005 motion to dismiss is denied or the plaintiff properly serves Mr. Green. **See** Filing No. 80.

“The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence.” NECivR 41.1. Further, Fed. R. Civ. P. 4(m) establishes the following time limit for service of process on the defendants in a civil case:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

In this case the complaint was filed on March 29, 2005. **See** Filing No. 1. Accordingly, the deadline for service of process expired **on or about July 28, 2005**. Since the court’s records show no proof of service of process on Mr. Green, and the plaintiff did not file any opposition to the May 12, 2005 motion to dismiss, the plaintiff shall show cause why this case should not be dismissed as against Mr. Green for failure to effect timely service. If the plaintiff intends to prosecute this matter against Mr. Green, the plaintiff shall also show good cause for the failure to effect timely service. The showing of cause shall be filed electronically on or before the close of business **on November 3, 2006**, otherwise the May 12, 2005 motion to dismiss will be granted as to Mr. Green. Upon consideration,

**IT IS SO ORDERED.**

Dated this 23rd day of October, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge